IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 496 OF 2006

IN

STAMP NUMBER MAIN NO. 1970 OF 2006

STATE OF GOA REP.BY CAPTAIN OF PORTS AND ANR., ...Applicants

Versus

SMT. RATNABAI V. KAMAT AND ANR., ...Respondents

Ms. Winnie Coutinho, GA for the applicants.

Mr. R. G. Ramani, Advocate for respondent no.2.

Coram:- J. N. PATEL, J.

Date:- 30th November, 2006

P.C.

Heard.

2. This is an application for condonation of delay in preferring First Appeal.

3. Initially on examining the application for condonation of delay, this Court found that no sufficient reason was found in the application so as to condone the delay. Therefore the learned GA was called upon to file additional affidavit. On going through the additional affidavit, this Court finds that there has been delay in considering the matter at various stages, particularly at the Lower Court where the learned Advocate representing the State sat over the matter for a month, for which there is no explanation offered in the additional affidavit.

4. Thereafter processing of the matter, caused further delay, it is expected of the State to be diligent in prosecuting the matter against the State as it is in public interest rather than deal with it in such a callous manner.

5. In the aforesaid facts and circumstances, this Court is inclined to condone the delay subject to costs of Rs.5,000/- to be paid to the respondents within two weeks. It will be open to the State to approach this Court who are found responsible for causing the delay in preferring the appeal.

6. The application is allowed accordingly.

J. N. PATEL, J.

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